

## REMARKS

This application has been reviewed in light of the Office Action dated August 19, 2005. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 1-40 and 43-57 are pending. Claim 58 has been canceled herein, without prejudice or disclaimer of subject matter. Claims 1, 21, 43 and 55-57 are in independent form.

Claim 58 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Since Claim 58 has been canceled herein, this rejection is moot.

Claims 1, 7-9, 12-14, 21, 27-29, 32-34, 43, 48, 49, 51-53 and 57 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,490,554 (*Endo et al.*).

Claims 18-20, 38-40 and 54-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Endo et al.* in view of U.S. Patent No. 5,857,169 (*Seide*). (Applicant understands that Claim 55 is addressed in paragraph 17 of the Office Action, although it is not mentioned therein by number.)

Claims 2-6, 15, 22-26, 35 and 44-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Endo et al.* in view of *Rajan et al.* (IEE Publication (cited in the Information Disclosure Statement filed on May 22, 2002)).

Claims 10, 11, 30, 31 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Endo et al.* in view of U.S. Patent No. 5,507,037 (*Bartkowiak et al.*).

Claims 16, 17, 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Endo et al.* in view of U.S. Patent No. 6,324,502 (*Handel et al.*).

Applicant respectfully traverses the rejections under Sections 102 and 103.

Applicant notes that U.S. Patent No. 6,490,554 (*Endo et al.*), the primary document cited in all of the prior art rejections, has a 102(e) date of March 28, 2002, which is later than the filing date of the subject application. See M.P.E.P. 706.02(f)(1)II. (Example 9) and III. Further, it is noted that international application no. PCT/JP99/06539 (cover page enclosed), to which *Endo et al.* claims priority, was published on May 31, 2005, which is also later than the filing date of the subject application. Accordingly, neither *Endo et al.* nor its international priority application qualifies as prior art against the subject application.

Specifically, as set forth in M.P.E.P. 706.02(f)(1)II. (Example 9, which pertains to references based on a 35 U.S.C. 111(a) Application which is a Continuation (filed prior to any entry of the national stage) of an International Application, which was filed prior to November 29, 2000 (language of the publication under PCT Article 21(2) is not relevant):

Both the U.S. publication and the U.S. patent of the 35 U.S.C. 111(a) continuation (filed prior to any entry of the national stage) of an international application (IA) that was filed prior to November 29, 2000 have the 35 U.S.C. 102(e) prior art date of their actual U.S. filing date under 35 U.S.C. 111(a). No benefit of the international filing date (nor any U.S. filing dates prior to the IA) is given for 35 U.S.C. 102(e) prior art purposes since the IA was filed prior to November 29, 2000. The IA publication under PCT Article 21(2) does not have a prior art date under 35 U.S.C. 102(e)(1) because the IA was filed prior to November 29, 2000. The IA publication under PCT Article 21(2) can be applied under 35 U.S.C. 102(a) or (b) as of its publication date. (Emphasis added.)

In the case of the subject application, the filing date of the subject application is May 30, 2001.

U.S. Patent No. 6,490,554 (*Endo et al.*), applied in the rejections, issued from a 35 U.S.C. 111(a) continuation application (filed prior to any entry of the national stage) of international application no. PCT/JP99/06539, which international application was filed on November 24, 1999 (i.e., prior to November 29, 2000). Accordingly, both the U.S. publication (U.S. Patent Application

Publication No. 2002/0138255, published on September 26, 2002) and the U.S. patent (U.S. Patent No. 6,490,554, issued on December 3, 2002) have the 35 U.S.C. 102(e) prior art date of their actual U.S. filing date under 35 U.S.C. 111(a), which filing date is March 28, 2002. The publication of the international application under PCT Article 21(2) (PCT/JP99/06539, published as WO 01/39175 A1) can be applied under 35 U.S.C. 102(a) or (b) as of its publication date, which is May 31, 2001.

Accordingly, the 102(e) date of *Endo et al.* (and of the corresponding published U.S. application) is March 28, 2002, and the publication date of international application no. PCT/JP99/06539, to which *Endo et al.* claims priority, is May 31, 2001, both of which are later than the filing date of the subject application, which is May 30, 2001. Therefore, neither *Endo et al.* (including its corresponding published U.S. application) nor its international priority application qualifies as prior art against the subject application.

Therefore, since *Endo et al.* is applied as the primary document in all of the rejections in the Office Action under Sections 102 and 103, all of those rejections are understood to have been made in error and to be overcome. Withdrawal of those rejections is accordingly respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration, withdrawal of the §§ 101, 102 and 103 rejections, and early passage to issue of the present application.

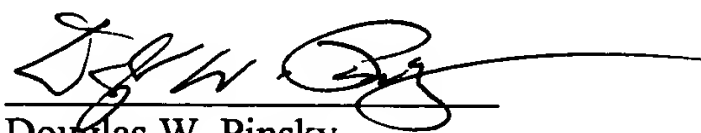
SECOND REQUEST FOR CONSIDERATION OF PREVIOUSLY-FILED INFORMATION  
DISCLOSURE STATEMENTS

It is noted that Applicant has not yet received from the Examiner initialed copies of the Forms PTO-1449 submitted with the Information Disclosure Statements filed on March 23, 2004, August 11, 2004, September 30, 2004, January 18, 2005 and May 16, 2005.

Accordingly, Applicant respectfully requests that the Examiner consider the art cited in those IDS's and return initialed copies of the Forms PTO-1449 submitted therewith indicating that the art cited therein has been considered. A similar request was made in the last Amendment, filed on May 16, 2005, but Applicant has not received any response thereto.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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(12)特許協力条約に基づいて公開された国際出願

(19) 世界知的所有権機関  
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2001 年 5 月 31 日 (31.05.2001)

PCT

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21/02, H04B 1/64, H04J 3/17, H04Q 7/32

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(21) 国際出願番号: PCT/JP99/06539

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添付公開書類:  
— 国際調査報告書

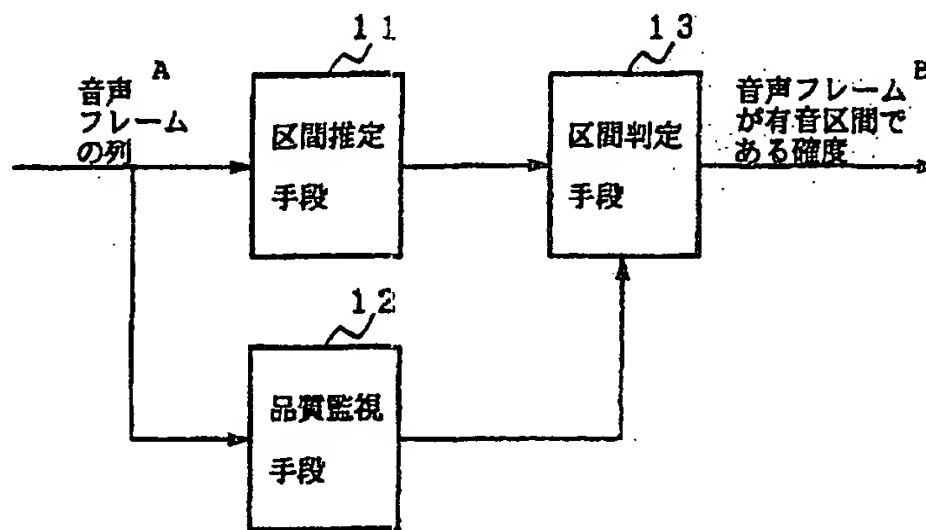
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2 文字コード及び他の略語については、定期発行される  
各PCTガゼットの巻頭に掲載されている「コードと略語  
のガイダンスノート」を参照。

(54) Title: METHOD AND APPARATUS FOR VOICE DETECTION

(54) 発明の名称: 音声検出装置および音声検出方法



A ... SERIES OF VOICE FRAMES

B ... CONFIDENCE OF VOICE FRAME WITHIN VOICED INTERVAL

11 ... INTERVAL ESTIMATE MEANS

12 ... QUALITY MONITOR MEANS

13 ... INTERVAL DETERMINATION MEANS

(57) Abstract: A voice-detecting device is provided to precisely discriminate between voiced and unvoiced intervals adaptively to various features of possible noises superimposed on a voice signal. The voice detection device comprises interval estimate means (11) for determining the probability that each of the time series voice frames belongs to a voiced interval according to a statistical technique; quality monitor means (12) for monitoring the quality of the voice signal of each voice frame; and interval determination means (13) for weighting the resulting probability based on the signal quality to determine the confidence of a voice interval.

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DIALOG(R) File 351:Derwent WPI

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WPI Acc No: 2001-610986/200170

XRPX Acc No: N01-456113

**Apparatus for voice detection which filters out all non-voice noise using probability weighting**

Patent Assignee: FUJITSU LTD (FUIT ); ENDO K (ENDO-I); OTA Y (OTAY-I)

Inventor: OTA Y; SUZUKI K; ENDO K

Number of Countries: 002 Number of Patents: 004

Patent Family:

Patent No	Kind	Date	Applicat No	Kind	Date	Week
WO 200139175	A1	20010531	WO 99JP6539	A	19991124	200170 B
US 20020138255	A1	20020926	WO 99JP6539	A	19991124	200265
			US 2002112470	A	20020328	
US 6490554	B2	20021203	WO 99JP6539	A	19991124	200301
			US 2002112470	A	20020328	
JP 2001540759	X	20030527	WO 99JP6539	A	19991124	200344
			JP 2001540759	A	19991124	

Priority Applications (No Type Date): WO 99JP6539 A 19991124

Patent Details:

Patent No Kind Lan Pg Main IPC Filing Notes

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Designated States (National): JP US

US 20020138255 A1 G10L-011/06 Cont of application WO 99JP6539

US 6490554 B2 G10L-011/02 Cont of application WO 99JP6539

JP 2001540759 X G10L-011/02 Based on patent WO 200139175

Abstract (Basic): WO 200139175 A1

NOVELTY - A voice-detecting device is provided to precisely discriminate between voiced and unvoiced intervals adaptively to various features of possible noises superimposed on a voice signal. The voice detection device comprises interval estimate means (11) for determining the probability that each of the time series voice frames belongs to a voiced interval according to a statistical technique; quality monitor means (12) for monitoring the quality of the voice signal of each voice frame; and interval determination means (13) for weighting the resulting probability based on the signal quality to determine the confidence of a voice interval.

USE - Apparatus for voice detection which filters out all non-voice noise using probability weighting

DESCRIPTION OF DRAWING(S) - The drawing shows the voice detection device. (Drawing includes non-English language text).

Interval estimate means (11)

Quality monitor means (12)

Interval determination means (13)

pp; 53 DwgNo 1/12

Title Terms: APPARATUS; VOICE; DETECT; FILTER; NON; VOICE; NOISE; PROBABILITY; WEIGHT

Derwent Class: P86; W01; W02; W04

International Patent Class (Main): G10L-011/02; G10L-011/06

International Patent Class (Additional): G10L-021/02; H04B-001/64; H04J-003/17; H04Q-007/32

File Segment: EPI; EngPI

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